

Decision Record - Memorandum

Wyoming State Forestry Division

WYW-168584

State Forestry Right-of-Way

DOI-BLM-WY-R050-2016-0016-CX

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Chapter 1. State Forestry Right-of-Way

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1.1. Compliance

The proposed action is subject to the Lander Record of Decision and Approved Resource Management Plan and Record (ROD) approved June 26, 2014. The proposed action is in conformance with the applicable LUP. The proposed project area is located within the South Pass Historical Landscape ACEC. Decision 7121 states “ROW management in the ACEC is excluded to major ROWs and avoided for minor ROWs”. The proposed project is considered a minor ROW. Avoidance Areas are defined as “Areas where negative routing factors exist. Rights-of-way (ROWs) either will not be granted in these areas, or if granted, will be subject to stringent terms and conditions. In other words, ROWs would be restricted, but not necessarily prohibited, in avoidance areas. Special stipulations will likely apply.”

The “relevant and important” values of the South Pass Historical Landscape ACEC are the historic mining resources in the area and their setting. The right-of-way grant will allow the timber trucks and equipment to drive on a road which is located on a section of a historic railroad bed. The BLM determined that this use will not adversely impact the historic resource with the application of stipulations precluding any modification of the road or the trees along the road that can be seen from the railroad bed. This mitigation will avoid potential adverse impacts to the historic resource making the grant of the right-of-way in conformance with the LUP.

1.2. Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.215, 516 DM 11.9 Appendix 4 E. Reality 16.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.210 apply.

The BLM considered alternative routes for the access road but it was determined that new disturbance would have to occur to construct a new access road. To avoid new surface disturbance, the authorization is for the proposed action on the existing road.

1.3. Rationale:

It is my decision to authorize right-of-way WYW-168584 under the authority of Title V of the Federal Land Management and Policy Act of October 31, 1976 (90 Stat. 2776; 43 U.S.C. 1761)(granted in 1978), for a term of 5 years.

1.4. Appeal or Protest Opportunities:

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10). Any appeal of this decision must follow the procedures set forth in 43 CFR, Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at 1335 Main Street, Lander, WY 82520. If a statement of reasons for the appeal is not included with the notice, it must be filed within the Interior Board of Land Appeals,

Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy, St., Suite 300 Arlington, VA 22203 within 30 days after the notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Denver, Federal Center, Denver, Colorado 80225, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

1.5. Authorizing Official:

Richard Vander Voet
Field Manager

Date

1.6. Contact Person

For additional information concerning this Finding, contact.

Leta Rinker, Realty Specialist
Lander Field Office
1335 Main Street
Lander, WY, 82520
307-332-8405